

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Animal Health

Article 10.—Public Livestock Markets

9-10-47. Diseases, injuries, and conditions rendering livestock or exotic animals unfit for sale; limitation on sale; euthanasia, removal, or disposal.

(a) Each market veterinarian shall have sole discretion to render any livestock or exotic animal unfit for sale based on the following diseases, injuries, and conditions:

(1) Ocular neoplasia, commonly known as "cancer eye," unless the neoplastic lesions show no sign of metastasis and have not destroyed the eye or the eyelid. Each livestock or exotic animal with cancer eye shall be deemed unfit for sale if one of the following conditions is met:

(A) The neoplastic lesions affect the eye, eyelids, or both and have destroyed the affected organ to the point that the affected area cannot be surgically removed;

(B) the neoplastic lesions show signs of local metastatic invasion from the primary site to the bone of the orbit; or

(C) there are marked signs of swelling, discoloration, draining necrotic lesions, deformation of tissue, or odor;

(2) any other forms of neoplasia, regardless of tissue origin, that exhibit significant symptoms, including swelling, discoloration, draining necrotic lesions, tissue deformation, or odor;

(3) any disease process, including actinomycosis, pneumonia, and urinary calculi, or injury that the market veterinarian determines is unlikely to respond to treatment and has resulted in emaciation of the livestock or exotic animal;

(4) any disease process or injury resulting in a nonambulatory condition in the livestock or exotic animal;

(5) a fracture of the long bone, open fracture, or other fracture or dislocation of a joint that renders the animal unable to bear weight on the affected limb without that limb collapsing; and

(6) any injury that results in a condition that caused an objectionable wound.

(b) If a disease, injury, or condition occurs that is not listed in subsection (a), the market veterinarian may render any livestock or exotic animal unfit for sale upon receiving approval from the animal health commissioner or the animal health commissioner's designee.

(c) After examination of the livestock or exotic animal, the market veterinarian shall determine whether each livestock or exotic animal shall be sold, removed from the public livestock market, or euthanized pursuant to K.S.A. 47-1008 and amendments thereto.

(d) If the market veterinarian permits the livestock or exotic animal to be sold, the market veterinarian shall provide a written notification to the public livestock market operator that states the livestock or exotic animal's disease, injury, or condition, and the public livestock market operator or the public livestock market operator's representative shall announce the livestock or exotic animal's disease, injury, or condition as stated in the written notification from the auction block at the time of the sale.

(e) If the market veterinarian determines the livestock or exotic animal is unfit for sale as specified in subsections (a) and (b), the market veterinarian shall identify the livestock or exotic animal with a backtag and shall make a reasonable effort to contact the owner by phone or in person to discuss euthanasia, removal, or disposal of the livestock or exotic animal.

(1) If the market veterinarian is successful in contacting the owner, the owner shall remove the livestock or exotic animal rendered unfit for sale as described in subsections (a) and (b) from the public livestock market within 12 hours of the notification or direct the market veterinarian to euthanize the livestock or exotic animal.

(2) If the market veterinarian is unsuccessful in contacting the owner, the market veterinarian shall determine whether the livestock or exotic animal rendered unfit for sale as described in subsections (a) and (b) shall be euthanized to prevent further pain or suffering.

(3) If a livestock or exotic animal rendered unfit for sale as described in subsections (a) and (b) is not removed from the public livestock market facilities within 12 hours after

notification, the market veterinarian shall have discretion to euthanize the livestock or exotic animal.

(f) Each market veterinarian shall document each livestock or exotic animal rendered unfit for sale as described in subsections (a) and (b) and removed alive from the public livestock market facility on a "permit for movement of restricted animals," USDA VS form 1-27, or an equivalent form approved by the animal health commissioner, which shall accompany the livestock or exotic animals at the time of movement.

(g) If the market veterinarian determines that a livestock or an exotic animal rendered unfit for sale as described in subsections (a) and (b) shall be euthanized, the market veterinarian shall perform or direct all euthanasia procedures at the public livestock market and shall provide written notice to the owner of the livestock or exotic animal that indicates the reason for euthanasia and the cost of euthanasia.

(h) If a livestock or exotic animal dies or is euthanized at a public livestock market, an owner may request the return of the carcass and may retrieve the carcass within six hours after the livestock or exotic animal's death or euthanasia. If the owner does not retrieve the carcass within six hours after death or euthanasia, the carcass shall be disposed of pursuant to K.S.A. 47-1219, and amendments thereto.

(i) Each consignor of livestock or exotic animals rendered unfit for sale as specified in subsections (a) and (b) shall pay all costs associated with euthanasia, removal, and disposal.

(Authorized by and implementing K.S.A. 47-610, K.S.A. 47-1008, and K.S.A. 47-1832; effective Jan. 3, 2025.)

***** Authenticated Kansas Administrative Regulation *****